

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_\_ day of \_\_\_\_\_, 2003:

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Present

Vote

James S. Burgett, Chairman  
Thomas G. Shepperd, Jr., Vice Chairman  
Walter C. Zaremba  
Sheila S. Noll  
Donald E. Wiggins

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On motion of \_\_\_\_\_, which carried \_\_\_\_\_, the following ordinance was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-79-03, YORK COUNTY BOARD OF SUPERVISORS, WHICH PROPOSES AMENDMENT OF SECTION 24.1-402, STANDARDS FOR OPEN SPACE DEVELOPMENT (CLUSTER TECHNIQUES), OF CHAPTER 24.1, ZONING (YORK COUNTY CODE) TO REVISE THE MINIMUM PRINCIPAL BUILDING SPACING STANDARDS TO REQUIRE A MINIMUM SEPARATION OF 20 FEET

WHEREAS, this application was sponsored by the Board of Supervisors after determining that principal building separations of less than twenty (20) feet can be detrimental to community character, can limit access to rear yard areas, can contribute to a reduction in the amount of open space and pervious surface on a property, and can create increased risks and resource requirements for emergency services responses; and

WHEREAS, the application has been referred to the Planning Commission for review and recommendation in accordance with applicable procedures; and

WHEREAS, the Commission has conducted a duly advertised public hearing on the application and has recommended approval of the proposed amendments; and

WHEREAS, the Board has considered the recommendations of the Commission and has determined that amendment of the County's cluster development provisions would be appropriate and consistent with good zoning practice.

NOW, THERFORE, BE IT ORDAINED by the York County Board of Supervisors, this the \_\_\_\_ day of \_\_\_\_, 2003, that it does hereby approve Application No. ZT-79-03 to amend Section 24.1-402 of the Zoning Ordinance to establish an absolute minimum spacing requirements for principal buildings located in cluster (open space) developments, as set out below;

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**Sec. 24.1-402. Standards for open space development (cluster techniques).**

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(c) *Yard, size and dimension requirements.*

- (1) There are no lot width or area requirements.
- (2) The above notwithstanding, any lots abutting the exterior boundary of the open space development shall be of the same size as would be required of conventional development unless the abutting development shall have been developed as an open space development. A lot shall be considered to be abutting unless it is separated by an area of open space which is not less than forty-five feet (45') [13.5m] in width.
- (3) ~~The rear and side yards may be reduced to zero (0) provided that easements or covenants clearly establish the rights of the two abutting properties where principal buildings are to be constructed on or within five feet (5') [1.5m] of a property line.~~
- (4) The minimum setback from external streets shall be that which is prescribed in the underlying zoning district.
- (5) The minimum setback from internal public streets shall be thirty feet (30') [9m]; from internal private driveways or streets the setback shall be established on the plan of development.
- (6) The minimum distance between any two principal buildings within the open space development shall be governed by the building code, provided, however, that the fire chief shall approve the fire protection measures for any development where principal buildings are separated by less than twenty feet (20') [6m]. Side yard dimensions on each individual lot shall be a minimum of ten feet (10') in depth and rear yard dimensions shall be a minimum of twenty feet (20') in depth. Accessory building locations and setbacks shall be governed by the provisions set out in Section 24.1-273 of this Chapter.

- (7) Where flag lots are utilized, the "staff" portion shall be twenty feet (20') ~~[6m]~~ or greater in width. |